

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

VALERIE PARKER,

Plaintiff,

CIVIL ACTION NO. 07-CV-14780-DT

vs.

DISTRICT JUDGE DAVID M. LAWSON

DETROIT SPORTSERVICE,  
INC.,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendant.

/

**OPINION AND ORDER GRANTING DEFENDANT'S MOTION TO STRIKE  
AND  
GRANTING PLAINTIFF'S MOTION TO AMEND**

This matter comes before the Court on two motions. Defendant filed a Motion to Strike Plaintiff's Second Reply Brief on July 2, 2008. (Docket no. 30). Plaintiff filed a Response. (Docket no. 33). Plaintiff also filed a Motion to Amend Supporting Documentation on July 15, 2008. (Docket no. 32). Defendant did not respond to this motion. All pretrial matters have been referred to the undersigned for decision. (Docket no. 5). The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(e). These two motions are now ready for ruling.

Plaintiff's motion to amend the documentation supporting her response to Defendant's Motion to Dismiss is not opposed. Therefore, Plaintiff's motion will be granted. The Court has considered this documentation in connection with the Report and Recommendation on the Motion to Dismiss which is being entered contemporaneously with this Order.

Defendant's motion is to strike Plaintiff's second Response brief to its Motion to Dismiss. Plaintiff filed her first Response brief on May 22, 2008. (Docket no. 26). After Defendant filed its Reply, Plaintiff filed her second Response brief. (Docket no. 28). This brief is not allowed under

the Court's local rules, and this Court did not give permission for it to be filed. E.D. Mich. LR 7.1(d). The brief also alleges new claims which is improper. Accordingly, Plaintiff's second Response brief will be stricken and not further considered by the Court.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion to Amend (docket no. 32) is **GRANTED**.

**IT IS FURTHER ORDERED** that Defendant's Motion to Strike (docket no. 30) is **GRANTED**. Plaintiff's second Response brief (docket no. 28) is hereby stricken and will not be further considered by the Court.

#### **NOTICE TO THE PARTIES**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: September 16, 2008

s/ Mona K. Majzoub  
MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE

#### **PROOF OF SERVICE**

I hereby certify that a copy of this Opinion and Order was served upon Valerie Parker and Counsel of Record on this date.

Dated: September 16, 2008

s/ Lisa C. Bartlett  
Courtroom Deputy